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UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

MICHAEL FIELDER, individually and on behalf of all others similarly situated,)	Case No. 2:16-cv-01941-JCM-NJK
)	
Plaintiff,)	STIPULATED PROTECTIVE ORDER
)	
vs.)	Complaint filed: August 15, 2016
)	
FINANCIAL CORPORATION OF)	
AMERICA,)	
)	
Defendant.)	
)	

IT IS HEREBY STIPULATED by and between Plaintiff Michael Fielder
("Plaintiff") and Defendant Financial Corporation of America ("FCOA"), through their
respective attorneys of record, as follows:

Stipulated Protective Order

1 WHEREAS, documents and information have been and may be sought, produced
2 or exhibited by and among the parties to this action relating to trade secrets, confidential
3 research, development, technology or other proprietary information belonging to the
4 defendant.
5

6 THEREFORE, an Order of this Court protecting such confidential information
7 shall be and hereby is made by this Court on the following terms:
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9 1. This Order shall govern the use, handling and disclosures of all documents,
10 testimony or information produced or given in this action which are designated to be
11 subject to this Order in accordance with the terms hereof.
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13 2. Any party or non-party producing or filing documents or other materials in
14 this action may designate such materials and the information contained therein subject to
15 this Order by typing or stamping on the front of the document, or on the portion(s) of the
16 document for which confidential treatment is designated, "Confidential."
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18 3. A party wishing to file any document designed as "Confidential" must
19 notify the designating party at least seven days prior to filing the designed document.
20 The designating party must then make a good faith determination if the relevant standard
21 for sealing is met. *See Kamakana v. City and County of Honolulu*, 447 F.3d 1172, 1180
22 (9th Cir. 2006). To the extent the designating party does not believe the relevant standard
23 for sealing can be met, it shall indicate that the document may be filed publicly no later
24 than four days after receiving notice of the intended filing. To the extent the designating
25 party believes the relevant standard for sealing can be met, it shall provide a declaration
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1 supporting that assertion no later than four days after receiving notice of the intended
2 filing. The filing party shall then attach that declaration to its motion to seal the
3 designated material. If the designating party fails to provide such a declaration in support
4 of the motion to seal, the filing party shall file a motion to seal so indicating and the
5 Court may order the document filed in the public record. Counsel shall comply with the
6 requirements of Local Rule 10-5(b) in connection with filing documents under seal.
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9 4. All documents, transcripts, or other materials subject to this Order, and all
10 information derived therefrom (including, but not limited to, all testimony given in a
11 deposition, declaration or otherwise, that refers, reflects or otherwise discusses any
12 information designated "Confidential," shall not be used, directly or indirectly, by any
13 person, including the other defendants, for any business, commercial or competitive
14 purposes or for any purpose whatsoever other than solely for the preparation and trial of
15 this action in accordance with the provisions of this Order.
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18 5. Except with the prior written consent of the individual or entity designating
19 a document or portions of a document as "Confidential," or pursuant to prior Order after
20 notice, any document, transcript or pleading given "Confidential" treatment under this
21 Order, and any information contained in, or derived from any such materials (including
22 but not limited to, all deposition testimony that refers to, reflects or otherwise discusses
23 any information designated "Confidential" hereunder) may not be disclosed other than in
24 accordance with this Order and may not be disclosed to any person other than: (a) the
25 Court and its officers: (b) parties to this litigation; (c) counsel for the parties, whether
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1 retained outside counsel or in-house counsel and employees of counsel assigned to assist
2 such counsel in the preparation of this litigation; (d) fact witnesses subject to a proffer to
3 the Court or a stipulation of the parties that such witnesses need to know such
4 information; (e) present or former employees of the Producing Party in connection with
5 their depositions in this action (provided that no former employees shall be shown
6 documents prepared after the date of his or her departure); and (f) experts specifically
7 retained as consultants or expert witnesses in connection with this litigation.
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10 6. Documents produced pursuant to this Order shall not be made available to
11 any person designated in Subparagraph 5(f) unless he or she shall have first read this
12 Order, agreed to be bound by its terms, and signed the attached Declaration of
13 Compliance.
14

15 7. All persons receiving any or all documents produced pursuant to this Order
16 shall be advised of their confidential nature. All persons to whom confidential
17 information and/or documents are disclosed are hereby enjoined from disclosing same to
18 any person except as provided herein, and are further enjoined from using same except in
19 the preparation for and trial of the above-captioned action between the named parties
20 thereto. No person receiving or reviewing such confidential documents, information or
21 transcript shall disseminate or disclose them to any person other than those described
22 above in Paragraph 5 and for the purposes specified, and in no event shall such person
23 make any other use of such document or transcript.
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27 8. Nothing in this Order shall prevent a party from using at trial any
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1 information or materials designated “Confidential.”

2 9. This Order has been agreed to by the parties to facilitate discovery and the
3 production of relevant evidence in this action. Neither the entry of this Order, nor the
4 designation of any information, document, or the like as “Confidential,” nor the failure to
5 make such designation, shall constitute evidence with respect to any issue in this action.
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7 10. Within sixty (60) days after the final termination of this litigation, all
8 documents; transcripts, or other materials afforded confidential treatment pursuant to this
9 Order, including any extracts, summaries or compilations taken therefrom, but excluding
10 any materials which in the good faith judgment of counsel are work product materials,
11 shall be returned to the Producing Party.
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13 11. In the event that any party to this litigation disagrees at any point in these
14 proceedings with any designation made under this Protective Order, the parties shall first
15 try to resolve such dispute in good faith on an informal basis in accordance with Civil
16 Local Rule 26-7. If the dispute cannot be resolved, the party objecting to the designation
17 may seek appropriate relief from this Court. During the pendency of the challenge to the
18 designation of a document or information, the designated document or information shall
19 continue to be treated as “Confidential” subject to the provisions of this Protective Order.
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21 12. Nothing herein shall affect or restrict the rights of any party with respect to
22 its own documents or to the information obtained or developed independently of
23 documents, transcripts and materials afforded confidential treatment pursuant to this
24 Order.
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13. The Court retains the right to allow disclosure of any subject covered by this stipulation or to modify this stipulation at any time in the interest of justice.

Dated: February 13, 2017

/s/Michael Kind

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Attorneys for Defendant,
Financial Corporation of America

ORDER

IT IS SO ORDERED:


UNITED STATES MAGISTRATE JUDGE

DATED: February 14, 2017

EXHIBIT A

DECLARATION OF COMPLIANCE

I, _____, declare as follows:

1. My address is _____.
2. My present employer is _____.
3. My present occupation or job description is _____.
4. I have received a copy of the Stipulated Protective Order entered in this action on _____, 2017.
5. I have carefully read and understand the provisions of this Stipulation Protective Order.
6. I will comply with all provisions of this Stipulated Protective Order.
7. I will hold in confidence, and will not disclose to anyone not qualified under the Stipulated Protective Order, any information, documents or other materials produced subject to this Stipulated Protective Order.
8. I will use such information, documents or other materials produced subject to this Stipulated Protective Order only for purposes of this present action.
9. Upon termination of this action, or upon request, I will return and deliver all information, documents or things which I have prepared relating to the information, documents or other materials that are subject to the Stipulated

1 Protective Order, to my counsel in this action, or to counsel for the party by
2 whom I am employed or retained or from whom I received the documents.

3
4 10. I hereby submit to the jurisdiction of this Court for the purposes of enforcing
5 the Stipulated Protective Order in this action.

6 I declare under penalty of perjury under the laws of the United States that the
7 following is true and correct.
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9 Executed this _____ day of _____ 2017 at _____.

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12 _____
13 Qualified Person
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Stipulated Protective Order